IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO : 19373 of 1996

Between:

1.Turumella Babu Rao, S/o Yanadi, Hindu,aged about 33 years,R/o.Ramnagar,Hyderabad.

2.P.Kirankumar, S/o Potharaju, Hindu, aged about 37 years, R/o Ramnagar,Hyderabad.

..... PETITIONERS.

AND

1.The A.P.S.R.T.C. rep.by its Vice Chairman & Managing Director, Musheerabad, Hyderabad.
2.The Regional Manager, A.P.S.R.T.C.Picket, Secunderabad.
3.The Regional Employment Officer,Employment Exchange, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the entire selection process adopted by the 1st respondent Corporation in making appoints to the post of Conductors as illegal and ultravires to the provisions of Art.14 and 21 of the Constitution of India besides declaring the action of the respondents I and 2 in not selecting the petitioners as conductors is illegal with a further direction to the respondents 1 and 2 to re-appoint the petitioners as conductors.

Counsel for Petitioners : MR.V.S.R.ANJANEYULU.

Counsel for the Respondents 1 and 2: MR. K.HARINATH, S.C.for APSRTC.

The Court made the Following :

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ORDER:

This writ petition is filed to declare the entire selection process adopted by the 1st respondent in making appointments to the posts of Conductors as illegal and arbitrary.

The 1st respondent-corporation notified 266 vacancies to the 3rd respondent Employment Exchange for filling up the posts of Conductors requesting to sponsor eligible candidates for those posts. Since the petitioners possess the requisite qualifications, the 3rd respondent has sponsored their names for consideration. Thereafter, they appeared before the Selection Committee. The 1st petitioner secured 73 marks whereas the 2nd petitioner secured 60 marks. According to the petitioners, both of them ought to have been selected and given jobs but the 1st respondent-Corporation has adopted a strange method, which is not provided either in the regulations or in the instructions. The regulations do not speak that the persons who have passed the examination in compartment-wise will not be considered and the 1st respondent-corporation has failed to select the candidates who have secured lesser percentage of marks basing on the marks secured in the academic career. It is also stated that while filling up the posts, the respondents l and 2 have not fixed any qualification for Schedule Castes and Schedule Tribes. Hence, the writ petition.

The respondents filed counter stating that the District Employment officer sponsored the names of 5,240 candidates for the posts of conductors; they were placed before the Selection Committee for interviews. As per the circular instructions, some weightage marks were given and the candidates who have passed SCC or equivalent examination on compartmental basis shall be considered only after considering the candidates who have passed the examination in one attempt. The petitioners were not selected because other candidates who have passed in one attempt were considered. This is not a new procedure adopted by the Corporation in the recruitment of conductors. It is not correct to allege that Corporation has not fixed quota for schedule castes and schedule tribes. Therefore, there are no grounds to quash the total selection procedure. The selections were completed in the year 1996. The persons who had been selected were given appointments. The appointed candidates have not been made parties to this writ petition. If the selection process adopted by the first respondent is quashed, then the affecting parties will be ousted from service. They cannot be deprived of their right of hearing and so; any order that may be passed would adversely affect the career of those successful candidates.

The procedure adopted by the petitioners is uniform to all the candidates as per the circular orders. It is clear that

candidates who have passed SCC with qualifying marks on compartment basis shall be considered only after considering the candidates who have passed the examination on regular basis in one attempt. The circular orders No.PD41/91 dated 29-5-1991 and PD-13 of 92-dated 3-03-1992 were not challenged before this Court. It is also stated that both the petitioners were given weightage marks of 20 each. As the petitioners have passed the SSC compartmentally, they were not selected. So the procedure adopted by the corporation would not be said to be illegal or improper.

With regard to the reservation to the posts, the recruitment was made after duly filling the candidates belonging to the schedule castes and schedule tribes and backward class communities. Therefore, the selection process cannot be quashed at this stage. No other irregularities were pointed out by the learned counsel for the petitioner so as to quash the selection process except contending that the petitioner secured higher marks, than some of the candidates who were given appointments. The only grievance of petitioner is that what the regulations do contemplate is only Secondary School certificate. But, in view of the circular instructions, the persons who passed the qualifying examination in the first attempt will be given preference, than those who passed the examination compartmentally. The process of selection is completely in accordance with the circular orders issued by the selection from time to time. The circular order No.PD-41/91 dated 29-5-1991 reads as follows:

"A candidate who has passed SCC or qualifying

examination on compartmental basis shall be considered only after considering the candidates who have passed examination on regular basis in one attempt"

Therefore, the said circular is not challenged, so the process of selection is completely in accordance with the said circular. The process of selection does not suffer from any serious irregularity so as to quash the same. There are no grounds to interfere with the selection procedure adopted by the respondents. The WP is devoid of merits and it is dismissed. In the circumstances, without costs.

DVS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To
1.The A.P.S.R.T.C. rep.by its Vice Chairman & Managing Director, Musheerabad, Hyderabad.
2.The Regional Manager, A.P.S.R.T.C.Picket, Secunderabad.
3.The Regional Employment Officer,Employment Exchange, Hyderabad.

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